

PLANTE & HANLEY, P.C.
LAWYERS
82 FOGG FARM ROAD
POST OFFICE BOX 368
WHITE RIVER JUNCTION, VERMONT 05001

PETER P. PLANTE (1920-1996)
MICHAEL F. HANLEY*
PAUL J. PERKINS†

TELEPHONE 802-295-3151
FACSIMILE 802-295-5281
MFHANLEY@PLANTEHANLEY.COM
PJPERKINS@PLANTEHANLEY.COM
WWW.PLANTEHANLEY.COM

*Admitted in Vermont and New Hampshire
†Admitted in Vermont

July 14, 2010

Susan M. Hudson, Clerk
Vermont Public Service Board
Chittenden Bank Building, 4th Floor
112 State Street
Post Office Drawer 20
Montpelier, VT 05620 – 2701

Re: Application of IVEK CORPORATION for Certificate of Public Good Pursuant to 30 V.S.A. § 248(j) for Authority to Build a Solar Generation Facility in the North Springfield Industrial Park, Springfield, Vermont

Dear Ms. Hudson:

Thank you for your letter of July 8, 2010. In this response, I will address your requests for waivers of notice by local boards, additional testimony and additional exhibits.

I enclose the original, six (6) paper copies and a compact disc containing an electronic copy of:

1. a *Waiver of Notice* signed by Donald Barrett in his capacity as the Chair of the Town of Springfield Planning Commission. I also enclose a *Waiver of Notice* signed by Robert Forguites, Springfield Town Manager and the duly authorized representative of the Board of Selectmen of the Town of Springfield. Finally, I enclose a *Wavier of Notice* signed by Thomas Kennedy as the authorized representative of the Southern Windsor County Regional Planning Commission.
2. the *Direct Testimony of Paul Biebel*, the general contractor for the project, in which he indicates that construction waste will be limited to component packaging such as wire, banding straps and the like and that all appropriate materials will be recycled. He goes on to state that non-recyclable materials will be disposed of by the installer, Jerome Morton, who will haul the materials from the site and deposit them in a dumpster, such that it may be taken to a landfill by a garbage company.
3. the *Supplemental Direct Testimony by Mark Tanny* offering evidence in support of his conclusion that there are no known endangered species sights or areas of

Susan M. Hudson, Clerk

July 14, 2010

Page 2 of 2

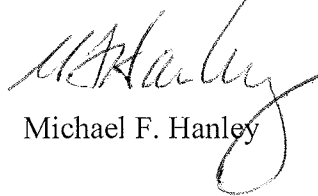
necessary wildlife habitat in the area in which the proposed solar electric generation facility will be located. Exhibits 17 and 18, attached to his testimony, show that the industrial park where the proposed facility will be located has the lowest possible probability of being a good habitat for wildlife.

4. a revised Exhibit 8, a topographic map which shows by a red rectangle the area where the proposed solar generation facility will be located. I also enclose Exhibits 9A, 9B, 9C and 9D, legible excerpts from Exhibit 9, the FEMA flood map. Exhibit 9A shows the title page of the map, 9B and 9C contain the legend, and Exhibit 9D shows, by a red rectangle, the location of the proposed solar electric generation facility and demonstrates that it is not within a floodplain.

I believe this addresses all of the concerns expressed in your letter of July 8, 2010.

I would be happy to discuss this matter with you. Please call me if you have any questions or concerns.

Respectfully yours,



Michael F. Hanley

MFH:kim

Enclosures

cc: Mark Tanny

F:\VEK Corporation 13815\Solar Panel (Solar Energy Generation) Project 13815.056\Correspondence\100714 Hudson.wpd

Donald Barrett, Chairman
William Kearns, Administrative Officer

**TOWN OF SPRINGFIELD
PLANNING COMMISSION**

Springfield, Vermont 05156
Tel: (802) 885-2104
FAX (802) 885-1617
E-mail: toszoning@vermontel.net

July 8, 2010

Mark Tanny
IVEK Corporation
P. O. Box 401
North Springfield, VT 05150

RE: Waiver of Notice 30 VSA 248(j) IVEK Corporation

Mr. Tanny:

The Springfield Planning Commission unanimously passed this Motion at its meeting on July 7, 2010.

WAIVER OF NOTICE

The Springfield Town Planning Commission waives its right to 45 days notice prior to the filing of a *Petition for a Certificate of Public Good Pursuant to 30 V.S.A. § 248(j)* * by IVEK CORPORATION to construct a 200 kW solar generation facility in the North Springfield Industrial Park, and authorizes the Chair of the Planning Commission to so state in writing.

This letter is a waiver of the right of the Springfield Planning Commission to 45 days notice prior to the filing of a Petition for a Certificate of Public Good pursuant to 30 VSA 248(j) by IVEK CORPORATION to construct a 200 kW solar generation facility in North Springfield Industrial Park.

**TOWN OF SPRINGFIELD
PLANNING COMMISSION**



Donald Barrett, Chair

BOARD OF SELECTMEN

TOWN OF SPRINGFIELD

Springfield, Vermont 05156

(802) 885-2104

FAX (802) 885-1617

E-mail: tosmanager@vermontel.net

WAIVER OF NOTICE

The Selectboard for the Town of Springfield, Vermont waives its right to 45 days notice prior to the filing of a *Petition for a Certificate of Public Good Pursuant to 30 V.S.A. §248(j)* by IVEK CORPORATION to construct a 200 kW solar generation facility in the North Springfield Industrial Park.

Dated July 12, 2010

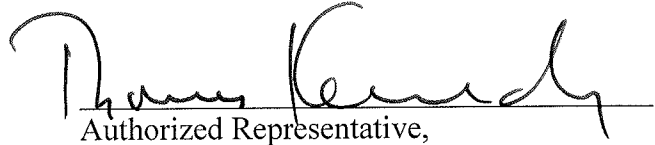


Authorized Representative,
Town of Springfield, Vermont Selectboard

WAIVER OF NOTICE

The Southern Windsor County Regional Planning Commission waives its right to 45 days notice prior to the filing of a Petition for a Certificate of Public Good Pursuant to 30 V.S.A. §248(j) by IVEK CORPORATION to construct a 200 kW solar generation facility in the North Springfield Industrial Park.

Dated: July 13, 2010


Authorized Representative,
Southern Windsor County
Regional Planning Commission

**STATE OF VERMONT
PUBLIC SERVICE BOARD**

Petition of IVEK CORPORATION)
For *Certificate of Public Good*,)
Pursuant to 30 V.S.A. § 248(j),)
For Authority to Build)
a Solar Generation Facility at)
North Springfield Industrial Park,)
Springfield, Vermont.)

Docket No. _____

DIRECT TESTIMONY OF PAUL BIEBEL

JULY 9, 2010

JB. 07/09/10

TESTIMONY OF PAUL BIEBEL

1 **Q. What is your name?**

2 **A. Paul Biebel**

3 **Q. What is your job?**

4 **A. I am the president of Prudent Living Inc. in Windsor, Vermont.**

5 **Q. What is Prudent Living, Inc.?**

6 **A. Prudent Living provides assistance with permitting, incentives and state approval for**
7 **installation of solar systems. Together with Res-Tec Solar, Prudent Living designed the**
8 **proposed solar generation facility for IVEK. If the project is approved, Prudent Living**
9 **will be the general contractor on the construction of the project.**

10 **Q. Will construction of the project create construction waste?**

11 **A. Yes, but construction waste will mostly be limited to component packaging, such as wire,**
12 **banding straps, aluminum rail cutoffs, cardboard and the like.**

13 **Q. How will the construction waste be disposed?**

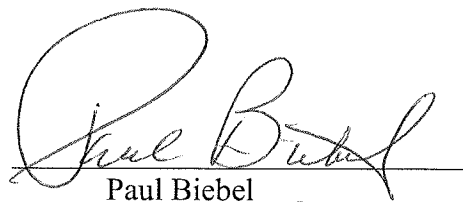
14 **A. All appropriate materials will be recycled. For example, after we complete the solar**
15 **installation, we will recycle our leftover metals and batteries (if replaced) at Recycling**
16 **Services on Industrial Boulevard in Claremont, New Hampshire. They are the closest**
17 **recycling yard to Prudent Living. Non-recyclable materials will be disposed of by the**
18 **installer, who will haul the materials from the site and deposit them into a dumpster, to be**
19 **taken to landfill by garbage company.**

20 **Q. Does this conclude your testimony?**

21 **A. Yes.**

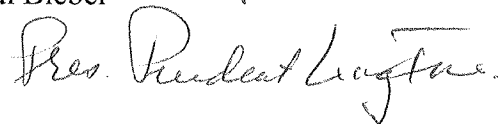
PB-
07/09/10

22 Dated this 9th day of July, 2010.
23
24
25
26
27



Paul Biebel

F:\MVEK Corporation 13815\Solar Panel (Solar Energy Generation) Project 13815.056\Drafts\100709b Direct Testimony of Paul Biebel.wpd



Pres. Prudent Luytens

**STATE OF VERMONT
PUBLIC SERVICE BOARD**

Petition of IVEK CORPORATION
For *Certificate of Public Good*,
Pursuant to 30 V.S.A. § 248(j),
For Authority to Build
a Solar Generation Facility at
North Springfield Industrial Park,
Springfield, Vermont.

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Docket No. _____

SUPPLEMENTAL DIRECT TESTIMONY OF MARK TANNY

JULY 13, 2010

SUPPLEMENTAL TESTIMONY OF MARK N. TANNY

I. INTRODUCTION

Q. Please state your name.

A. My name is Mark Tanny.

Q. Please summarize the purpose of your supplemental testimony.

A. There are no known endangered species sites or areas of necessary wildlife habitat in the area where the proposed solar electric generation facility will be located.

Q. Please describe the location of the proposed project.

A. The project will be constructed on property owned by Marko Enterprises, LLC, and leased to IVEK Corporation, in the North Springfield Industrial Park in North Springfield, Vermont.

Q. Will the project destroy or significantly imperil necessary wildlife habitat or any endangered species?

A. No.

Q. What evidence supports your conclusion?

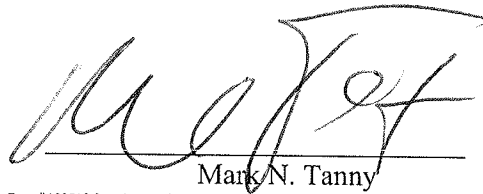
A. The fact that the property is located in an industrial park and two maps from the 2009 *Southern Windsor County Regional Plan*, Exhibit 17, "Significant Natural Resources" and Exhibit 18 "Wildlife Suitability and Corridor Ratings." Exhibit 17 shows that there are no significant natural resources, no rare, threatened or endangered species, no significant natural communities, no wetlands, no deer wintering areas, no bear production habitat, no bear seasonal habitat and no bear crossing corridors in the area where the solar

21 generation facility is proposed. Exhibit 18 shows that the area where the solar generation
22 facility is proposed has a 0.6 probability of a being a good habitat for wildlife. The
23 probability is on a scale of 0.6 to 10, with 0.6 being the lowest probability of a good
24 habitat and 10 showing the greatest probability of being a good habitat. In other words,
25 the area has the lowest possible probability of being a good habitat for wildlife. In
26 addition, there are no areas likely to be important road crossings for wildlife.

27 **Q. Does this conclude your supplemental testimony?**

28 **A. Yes.**

29 Dated this 13th day of July, 2010

30
31
32 
Mark N. Tanny

F:\IVEK Corporation 13813\Solar Panel (Solar Energy Generation) Project 13815.056\Pleadings - Public Service Board\100713 Supplemental Direct Testimony of Mark Tanny.wpd

EXHIBIT 17

Southern Windsor County Region of Vermont *Significant Natural Resources*



- rare, threatened, and endangered species and significant natural communities
- vswi wetlands
- deer wintering areas
- bear production habitat
- bear seasonal habitat
- bear crossing corridor

Rare, Threatened, & Endangered Species and Significant Communities Nongame & Natural Heritage Program, VT ANR-Dept. of Fish & Wildlife, 1992.

VSWI wetlands data include NWI and VANR Class II wetlands, 1990. Refer to the VANR-DEC, Water Quality Division, Wetlands Section, for official determinations.


Deer Wintering Habitat: Sources included state highway maps, topographic maps, overlays to 1977 infrared photos, written and verbal information from DFW biologists. VANR-DFW, 1994.

Bear Habitat Production habitats are areas supporting high densities of cub producing females, generally contiguous and remote forestlands. Seasonal habitats are regions frequently used by bears. Crossing corridors are areas along highways where bears have been known to cross regularly. VANR-DFW.

0 1.5 3 6 Miles

VT State Plane,
 Meters, NAD 83

For planning purposes only.
 Not for regulatory interpretation.



for info & data - www.vcgl.org

Southern Windsor County
 Regional Planning Commission



SWCRPC
 PO BOX 320
 Ascutney, VT 05030
 802.674.9201
www.swcrpc.org

EXHIBIT 18



High : 10
Low : 0.6

Wildlife Suitability Analysis is a predictive model based on 1) population density 2) Land Use/Land Cover and 3) core forest blocks. Darker greens indicate areas that have a greater probability of being good habitat for wildlife. It does not show actual habitat quality. VT Fish & Wildlife and VTrans, 2006.

Wildlife Crossing Value

Class I, State Highways and Interstate

Wildlife Linkage Habitat: 1) these areas are likely to be important road crossings and appear important to regional wildlife habitat connectivity at a landscape scale, but 2) that their identification is based on remote sensing. Precise identification of these crossing areas should be done in the field with the help of trained wildlife biologists.

0 1.5 3 6 Miles

VT State Plane,
Meters, NAD 83

For planning purposes only.
Not for regulatory interpretation.

GIS
for info & data - www.vcgi.org

Southern Windsor County
Regional Planning Commission



SWCRPC
PO BOX 320
Ascutney, VT 05030
802.674.9201
www.swcrpc.org

EXHIBIT 8

8

(REVISED)



Location: 43.3349487, -72.542596 |

EXHIBIT 9

FIRM
FLOOD INSURANCE RATE MAP
WINDSOR COUNTY
VERMONT
(ALL JURISDICTIONS)

PANEL 708 OF 831

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

<u>COMMUNITY</u>	<u>NUMBER</u>	<u>PANEL</u>	<u>SUFFIX</u>
CHESTER, TOWN OF	500146	0708	E
SPRINGFIELD, TOWN OF	500154	0708	E

Notice to User: The **Map Number** shown below should be used when placing map orders; the **Community Number** shown above should be used on insurance applications for the subject community.



MAP NUMBER
50027C0708E

EFFECTIVE DATE
SEPTEMBER 28, 2007

Federal Emergency Management Agency

9A

(REVISED)

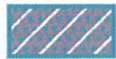
LEGEND



SPECIAL FLOOD HAZARD AREAS (SFHAs) SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD

The 1% annual chance flood (100-year flood), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. The Special Flood Hazard Area is the area subject to flooding by the 1% annual chance flood. Areas of Special Flood Hazard include Zones A, AE, AH, AO, AR, A99, V, and VE. The Base Flood Elevation is the water-surface elevation of the 1% annual chance flood.

- ZONE A** No Base Flood Elevations determined.
- ZONE AE** Base Flood Elevations determined.
- ZONE AH** Flood depths of 1 to 3 feet (usually areas of ponding); Base Flood Elevations determined.
- ZONE AO** Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined. For areas of alluvial fan flooding, velocities also determined.
- ZONE AR** Special Flood Hazard Area formerly protected from the 1% annual chance flood by a flood control system that was subsequently decertified. Zone AR indicates that the former flood control system is being restored to provide protection from the 1% annual chance or greater flood.
- ZONE A99** Area to be protected from 1% annual chance flood by a Federal flood protection system under construction; no Base Flood Elevations determined.
- ZONE V** Coastal flood zone with velocity hazard (wave action); no Base Flood Elevations determined.
- ZONE VE** Coastal flood zone with velocity hazard (wave action); Base Flood Elevations determined.



FLOODWAY AREAS IN ZONE AE

The floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increases in flood heights.



OTHER FLOOD AREAS

- ZONE X** Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.



OTHER AREAS

- ZONE X** Areas determined to be outside the 0.2% annual chance floodplain.
- ZONE D** Areas in which flood hazards are undetermined, but possible.





COASTAL BARRIER RESOURCES SYSTEM (CBRS) AREAS



OTHERWISE PROTECTED AREAS (OPAs)

CBRS areas and OPAs are normally located within or adjacent to Special Flood Hazard Areas.



1% annual chance floodplain boundary



0.2% annual chance floodplain boundary



Floodway boundary



Zone D boundary



CBRS and OPA boundary



Boundary dividing Special Flood Hazard Area Zones and boundary dividing Special Flood Hazard Areas of different Base Flood Elevations, flood depths or flood velocities.



Base Flood Elevation line and value; elevation in feet*

(EL 987)

Base Flood Elevation value where uniform within zone; elevation in feet*

*Referenced to the North American Vertical Datum of 1988



Cross section line



Transect line

97° 07' 30", 32° 22' 30"

Geographic coordinates referenced to the North American Datum of 1983 (NAD 83), Western Hemisphere

4276000 M

1000-meter Universal Transverse Mercator grid values, zone 18

600000 M

1000-meter grid values: Vermont State Plane coordinate system, FIPSZONE 4400, Transverse Mercator projection.

DX5510 X

Bench mark (see explanation in Notes to Users section of this FIRM panel)

● M1.5

River Mile

MAP REPOSITORY

Refer to listing of Map Repositories on Map Index

EFFECTIVE DATE OF COUNTYWIDE
FLOOD INSURANCE RATE MAP
SEPTEMBER 28, 2007

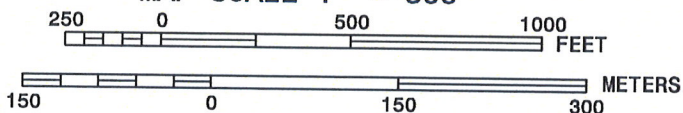
EFFECTIVE DATE(S) OF REVISION(S) TO THIS PANEL

For community map revision history prior to countywide mapping, refer to the Community Map History table located in the Flood Insurance Study report for this jurisdiction.

To determine if flood insurance is available in this community, contact your insurance agent or call the National Flood Insurance Program at 1-800-638-6620.



MAP SCALE 1" = 500'



PANEL 0708E

9C
(REVISED)

